

IN RE: PETITION FOR VARIANCE
NW/S Reisterstown Road, 30' S of
the c/l of Highfalcon Road
(11316 Reisterstown Road)
4th Election District
3rd Councilmanic District

Robert Worgan
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-191-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 11316 Reisterstown Road, located across from its intersection with Highfalcon Road in the Delight area of Owings Mills. The Petition was filed by the owner of the property, Robert Worgan. The Petitioner seeks relief from Sections 236.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 17 feet in lieu of the required 79.5 feet; from Sections 409.6 and 409.4 of the B.C.Z.R. to permit 81 parking spaces in lieu of the required 93 and to permit 10 of those parking spaces without direct access to an aisle; and to amend the last approved site plan and Order in prior Case No. 94-415-SPHA, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Robert Worgan, property owner, and Richard Matz, Professional Engineer with Colbert Matz Rosenfelt, Inc., who prepared the site plan for this project. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 1.1512 acres, more or less, zoned B.M., and is improved with a one-story building which houses the New Towne Diner. The property is an

ORDER RECEIVED FOR FILING

Date

By

12/27/95
11316 Reisterstown Road

irregular shaped parcel located on the south side of Reisterstown Road in an area of retail and commercial uses. A High's store is located on the east side of the property and a used automobile dealership is located on the west side, with similar retail uses located nearby. As noted above, this property was the subject of prior Case No. 94-415-SPHA in which a special hearing and variances were granted on June 22, 1994 to allow the prior owners, Eugene S. and Ethel J. Will, to rebuild within an existing footprint. Apparently, a burned out building existed on the site at that time and the Petitioners in that case wished to reconstruct a building for a proposed Pancake Cottage within the existing footprint, which was also located within a 100-year floodplain. The Petitioner in the instant case apparently took over the property within the last year and began operating the New Towne Diner. He now comes before me seeking variance relief to expand the existing building to provide additional restaurant seating space. Mr. Worgan stated that business has been good since he opened the New Towne Diner and that additional space is necessary in order to accommodate his growing customer base. Mr. Worgan testified that his restaurant has an old americana culinary theme and is open from 6:00 AM to Midnight. The Petitioner proposes a one-story addition on the east side of the existing building abutting the High's property as shown on Petitioner's Exhibit 1. The proposed addition will extend along the front of the building envelope even with the face of the existing building, and thus, the requested front yard setback is necessary in order to accommodate the new addition. Other parking variance relief is needed in view of the proposed expansion to the existing restaurant and the number of customers it will serve. In this respect, although more parking is proposed, the total number provided is insufficient to strictly comply with the regula-

12/27/95
[Signature]

tions. Furthermore, ten of the parking spaces provided are located in the southern corner of the site and do not have direct aisle access. These spaces will be reserved for employee parking to allow access to the spaces closer to the restaurant entrance for customers. Lastly, an amendment to the previously approved site plan is necessary to incorporate the proposed addition and changes to the plan, and increased parking arrangement. The proposed addition will provide this restaurant with a total seating capacity of 195 patrons in lieu of the current 106. Testimony indicated that there have never been any parking problems in the past and the Petitioner does not foresee any problems with parking in the future.

The Zoning Plans Advisory Committee (ZAC) comment submitted by the Developer's Plans Review division causes some concern. It indicates that the development has failed to conform with the previously approved final landscape plan in Case 94-415-SPHA. Although the Petitioner in that case was different, compliance with the landscape plan should have been accomplished. I will therefore require that this Petitioner submit a revised landscape plan and direct that permits for construction of the proposed addition shall not be released until such time as the plan has been submitted and approved by the Landscape Architect for Baltimore County. Moreover, sufficient assurance should be received that this Petitioner will, in fact, comply with the approved plan and actually install the planting required. It is also to be noted that the Office of Planning and Zoning suggests that the Petitioner explore the possibility of connecting his lot with that maintained by the restaurant located on the other side of High's, specifically, the Red, Hot and Blue Restaurant owned by Sea King V, Inc. It is inappropriate to require the Petitioner to pursue such a connection; however, the Petitioner did indicate that some communi-

ORDER RECEIVED FOR FILING
Date 12/27/95
By [Signature]

cation with the owners of the Red, Hot and Blue had been established and that the possibilities were being examined. I decline at this time to require the Petitioner to take further action unless he chooses to do so.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel.

ORDER RECEIVED FOR FILING

Date

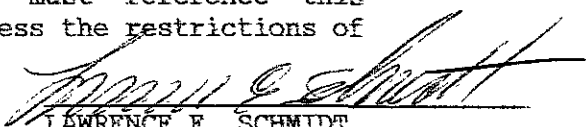
BY

In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of December, 1995 that the Petition for Variance seeking relief from Sections 236.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 17 feet in lieu of the required 79.5 feet; from Sections 409.6 and 409.4 of the B.C.Z.R. to permit 81 parking spaces in lieu of the required 93 and to permit 10 of those parking spaces without direct access to an aisle; and to amend the last approved plan and Order in prior Case No. 94-415-SPHA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any building permits, the Petitioner shall submit a revised landscape plan for review and approval by the County's Landscape Architect. All landscaping shall be installed prior to the issuance of any final occupancy permits.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 12/27/95
By [Signature]

RECEIVED
DEC 27 1995



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 27, 1995

Mr. Robert Worgan
11316 Reisterstown Road
Owings Mills, Maryland 21117

RE: PETITION FOR VARIANCE
NW/S Reisterstown Road, 30' S of the c/l of Highfalcon Road
(11316 Reisterstown Road)
4th Election District - 3rd Councilmanic District
Robert Worgan - Petitioner
Case No. 96-191-A

Dear Mr. Worgan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Richard Matz
Colbert Matz Rosenfelt, Inc.
3723 Old Court Road, Suite 206, Baltimore, Md. 21208

People's Counsel

File

445 10/27/95



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11316 Reisterstown Road

96-191-A

which is presently zoned BM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 236.1 AND 303.2 FOR A FRONT

YARD SETBACK OF 17 FEET IN LIEU OF THE REQUIRED 79.5 FEET; AND FROM SEC. 409.6 FOR 81 PARKING SPACES IN LIEU OF THE REQUIRED 93; AND FROM SEC. 409.4 TO ALLOW 10 PARKING SPACES WITHOUT DIRECT ACCESS TO AN AISLE: AND TO AMEND THE LAST APPROVED PLAN AND ORDER IN ZONING CASE 94-415-SPHA.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SETBACK VARIANCE IS NEEDED BECAUSE EXPANSION MUST MATCH FRONT OF EXISTING BUILDING, CREATING A PRACTICAL DIFFICULTY.

PARKING VARIANCE IS NEEDED BECAUSE OF PRACTICAL DIFFICULTY IN EXPANDING PARKING LOT FURTHER, DUE TO LOT SHAPE.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

STEVEN M. ROSEN, ESQ. None

(Type or Print Name)

Signature

ARMORFF, NEUBERGER & LINDER

250 W. PRATT ST. 410-539-0300

Address

Phone No.

BALTIMORE, MD 21204

State

Zipcode

We do solemnly declare and affirm, under the penalties of perjury that we are the legal owners of the property which is the subject of this Petition.

Legal Owners:

MR. ROBERT WORGAN

(Type or Print Name)

Signature

(Type or Print Name)

Signature

11316 REISTERSTOWN RD. 654-0066

Address

Phone No.

OWINGS MILLS, MD 21117

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

COLBERT MATZ ROSENFELT, INC.

3723 OLD COURT ROAD 653-3838

BALTIMORE, MD 21208

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: R.T.

DATE

10-31-95

ITEM # 186

ORDER RECEIVED FOR FILING

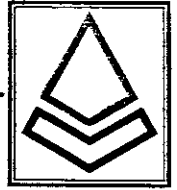
Date

By

Printed with Soybean Ink
on Recycled Paper

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION

96-191-A

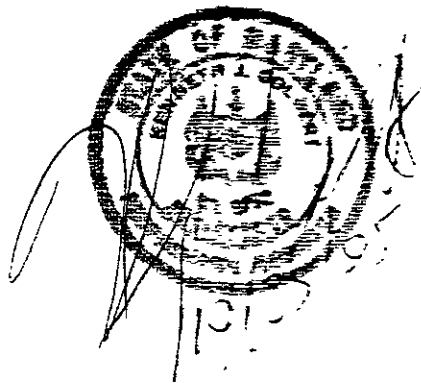
NEW TOWNE DINER
11316 REISTERSTOWN ROAD
FOURTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE NORTHWEST SIDE OF REISTERSTOWN ROAD, 80 FEET WIDE, 30 FEET MORE OR LESS SOUTH OF THE CENTERLINE OF HIGHFALCON ROAD; THENCE BINDING ALONG SAID NORTHWEST SIDE OF REISTERSTOWN ROAD SOUTH 44 DEGREES 14 MINUTES 06 SECONDS EAST 150.00 FEET; THEN LEAVING SAID REISTERSTOWN ROAD AND RUNNING:

SOUTH 55 DEGREES 55 MINUTES 20 SECONDS WEST 150.00 FEET;
SOUTH 44 DEGREES 14 MINUTES 06 SECONDS EAST 125.00 FEET;
SOUTH 55 DEGREES 55 MINUTES 20 SECONDS WEST 103.20 FEET;
NORTH 44 DEGREES 06 MINUTES 04 SECONDS WEST 276.10 FEET;
NORTH 56 DEGREES 11 MINUTES 37 SECONDS EAST 252.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.15 ACRES OF LAND MORE OR LESS.

I:\JOBS\941101.DES



MICROFILMED

ITEM #186

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-191-H

District: 4th

Date of Posting: 11/27/95

Posted for: Varonco

Petitioner: Robert W. Varonco

Location of property: 11316 Reisterstown Rd.

Location of Sign: Leaving Roadway on Property's 58.34 Acre &

Remarks: _____

Posted by: M. J. Kelly

Signature

Date of return: 12/1/95

Number of Signs: 1

MURDOCK LIME L



CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 30, 1975

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 23, 1975.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-191-A

(Item 186)

11316 Reisterstown Road
New Towne Diner
NW/SE Reisterstown Road
230' s of c/o High Falcon Road
4th Election District
3rd Councilmanic
Legal Owner(s):
Robert Worgan

Hearing: Tuesday, December 12, 1975 at 2:00 p.m. in Rm. 106, County Office Building.

Variance: for a front yard setback of 17 feet in lieu of the required 79.5 feet; for 81 parking spaces in lieu of the required 93; to allow 10 parking spaces without direct access to an aisle; and to amend the last approved plan and order in zoning case #94-415-SPHA.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

11/275 Nov. 23. c18740.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

ITEM No. 186

DATE 10-31-75 ACCOUNT R-001-6150

020 - VARIANCE - \$250.00

080 - SIGN - \$35.00 AMOUNT \$ 285.00

RECEIVED FROM: SCOTT'S INTER. NEW TOWNE Diner

FOR: COM. VAR. 96-191-A

RECEIVED
BALTIMORE COUNTY
OFFICE OF FINANCE - REVENUE DIVISION
10-31-75

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.


ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 186

Petitioner: Robert Worgan

Location: 11316 Reisterstown Road, Owings Mills.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mr. Robert Worgan - New Towne Diner

ADDRESS: 11316 Reisterstown Road

Owings Mills, Md. 21117

PHONE NUMBER: 654-0066.

AJ:ggs

(Revised 04/09/93)

TO: PUTUMENT PUBLISHING COMPANY

November 22/23, 1995 Issue - Jeffersonian

Please forward billing to:

Robert Worgan
11316 Reisterstown Road
Owings Mills, Maryland 21117
654-0066

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-191-A (Item 186)
11316 Reisterstown Road
New Towne Diner
NW/S Reisterstown Road, 230' S of c/l High Falcon Road
4th Election District - 3rd Councilmanic
Legal Owner: Robert Worgan

Variance for a front yard setback of 17 feet in lieu of the required 79.5 feet; for 81 parking spaces in lieu of the required 93; to allow 10 parking spaces without direct access to an aisle; and to amend the last approved plan and order in zoning case #94-415-SPHA.

HEARING: TUESDAY, DECEMBER 12, 1995 at 2:00 p.m.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 16, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-191-A (Item 186)
11316 Reisterstown Road
New Towne Diner
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Variance for a front yard setback of 17 feet in lieu of the required 79.5 feet; for 81 parking spaces in lieu of the required 93; to allow 10 parking spaces without direct access to an aisle; and to amend the last approved plan and order in zoning case #94-415-SPHA.

HEARING: TUESDAY, DECEMBER 12, 1995 at 2:00 p.m.m. in Room 106, County Office Building.

A handwritten signature in black ink, reading "Arnold Jablon". The signature is written in a cursive, flowing style.

Arnold Jablon
Director

cc: Robert Worgan
Colbert Matz Rosenfelt, Inc.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 4, 1995

Mr. Robert Worgan
11316 Reisterstown Road
Owings Mills, MD 21117

RE: Item No.: 186
Case No.: 96-191-A
Petitioner: R. Worgan

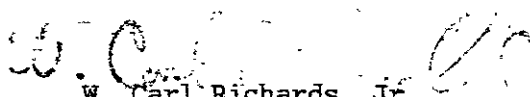
Dear Mr. Worgan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 31, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 21, 1995
Zoning Administration and Development Management

FROM: *fw* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for November 21, 1995
Item No. 186

The Development Plans Review Division has reviewed the subject zoning item. The ten (10) parking spaces without a direct access shall be "For Employees Only" spaces.

This development has failed to conform with the previously approved final landscape plan titled "Pancake Cottage", and is now subject to zoning enforcement. In addition to the landscape requirements already in place, a revised landscape plan that accommodates the new building and parking lot addition must be submitted.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: November 21, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 11316 Reisterstown Road

INFORMATION:

Item Number: 186

Petitioner: Robert Worgan

Property Size: _____

Zoning: BM

Requested Action: Variance

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff offers the following comment.

The applicant's plat should be amended to indicate proposed landscape treatment of the 24' site access point which is to be closed. In addition, staff recommends that the applicant explore the possibility of making a connection between the parking areas of the subject site and the property owned by Sea King, Inc. located to the east.

Prepared by: Jeffrey W. Long

Division Chief: Daryl L. Kerns

PK/JL

RECEIVED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/15/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ROBERT WORGAN

LOCATION: NW/S REISTERSTOWN RD., 30' S OF CENTERLINE HIGH FALCON RD.
(11316 REISTERSTOWN RD. - NEW TOWNE DINER.)

Item No.: 186

Zoning Agenda: VARIANCE

Gentlemen:

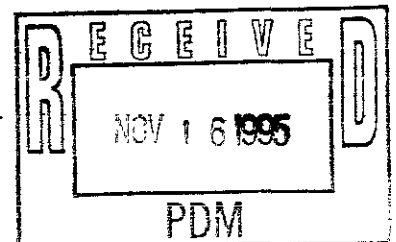
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



400051100

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: October 31, 1995

TO: Hearing Officer

FROM: Regulo Tanguilig
Planner I, PDM

SUBJECT: Item #186
11316 Reisterstown Road

Lawyer not required to represent the variance case per applicant
because subject property owner is not a corporation.

RT:scj

RE: PETITION FOR VARIANCE
11316 Reisterstown Rd (New Towne Diner),
NW/S Reisterstown Road, 230' S of c/l
High Falcon Road, 4th Election District,
3rd Councilmanic

Robert Worgan
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 96-191-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to Colbert, Matz, Rosenfelt, Inc., 3723 Old Court Road, Baltimore, MD 21208, representative for Petitioner.

Peter Max Zimmerman

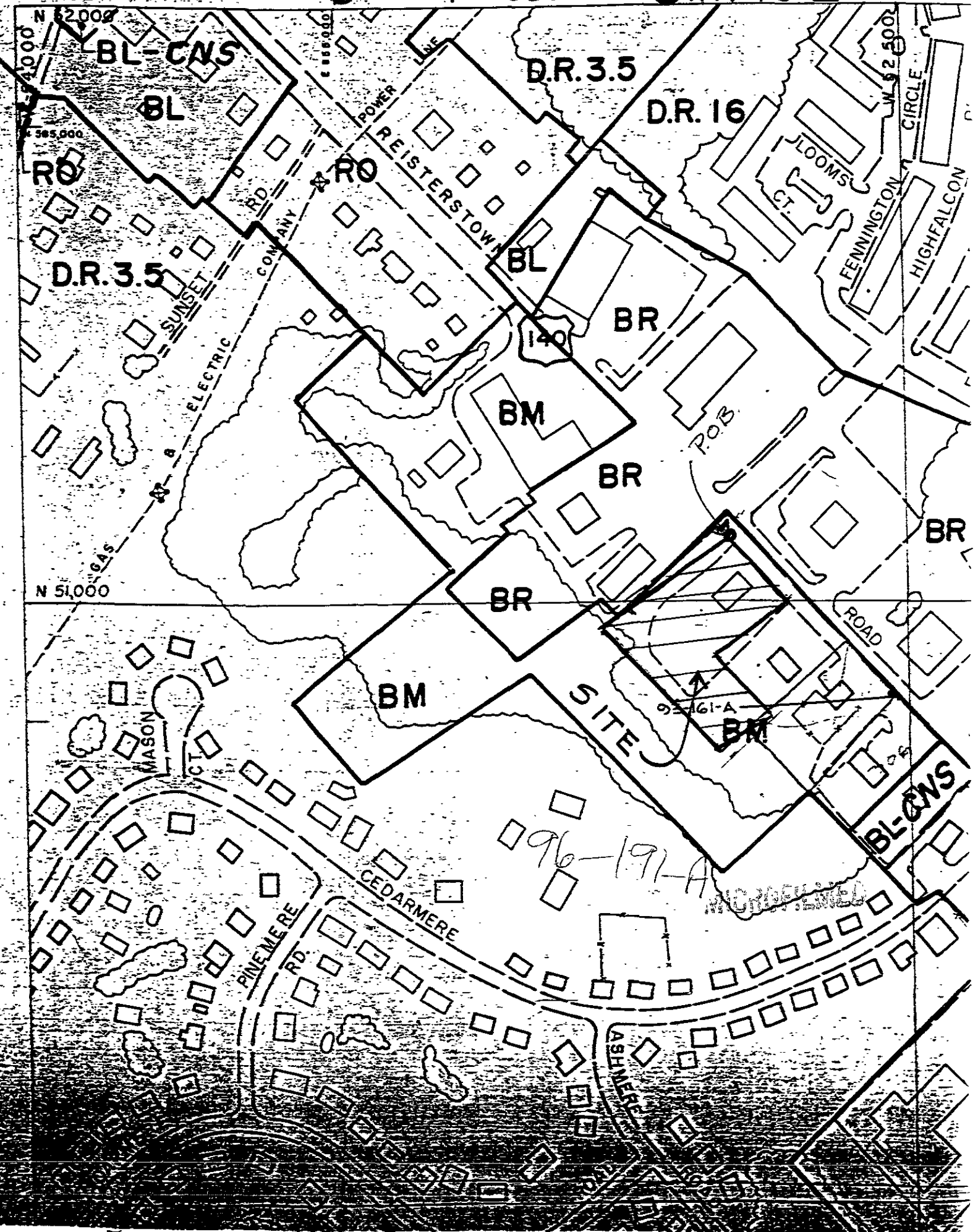
PETER MAX ZIMMERMAN

ITEM# 186

NEW TOWNE DINER

1" = 200'

NW 13-I



IN RE: PETITION FOR VARIANCE
NW/2 Reisterstown Road, 30' S of
the c/l of Highfalcon Road
(11316 Reisterstown Road)
4th Election District
3rd Councilmanic District
Robert Morgan
Petitioner

* AFFORD THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-191-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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Appearing at the hearing on behalf of the Petition were Robert Morgan, property owner, and Richard Matz, Professional Engineer with Colbert Matz Rosenfelt, Inc., who prepared the site plan for this project. There were no Prostantants present.

Testimony and evidence offered revealed that the subject property consists of 1.1512 acres, more or less, zoned B.M., and is improved with a one-story building which houses the New Towne Diner. The property is an

irregular shaped parcel located on the south side of Reisterstown Road in an area of retail and commercial use. A High's store is located on the east side of the property and a used automobile dealership is located on the west side, with similar retail uses located nearby. As noted above, this property was the subject of prior Case No. 94-415-SPHA in which a special hearing and variances were granted on June 22, 1994 to allow the prior owners, Eugene S. and Ethel J. Will, to rebuild within an existing footprint. Apparently, a burned out building existed on the site at that time and the Petitioners in that case wished to reconstruct a building for a proposed Pancake Cottage within the existing footprint, which was also located within a 100-year floodplain. The Petitioner in the instant case apparently took over the property within the last year and began operating the New Towne Diner. He now comes before me seeking variance relief to expand the existing building to provide additional restaurant seating space. Mr. Morgan stated that business has been good since he opened the New Towne Diner and that additional space is necessary in order to accommodate his growing customer base. Mr. Morgan testified that his restaurant has an old americana culinary theme and is open from 6:00 AM to Midnight. The Petitioner proposes a one-story addition on the east side of the existing building abutting the High's property as shown on Petitioner's Exhibit 1. The proposed addition will extend along the front of the building envelope even with the face of the existing building, and thus, the requested front yard setback is necessary in order to accommodate the new addition. Other parking variance relief is needed in view of the proposed expansion to the existing restaurant and the number of customers it will serve. In this respect, although more parking is proposed, the total number provided is insufficient to strictly comply with the regula-

tions. Furthermore, ten of the parking spaces provided are located in the southern corner of the site and do not have direct aisle access. These spaces will be reserved for employee parking to allow access to the spaces closer to the restaurant entrance for customers. Lastly, an amendment to the previously approved site plan is necessary to incorporate the proposed addition and changes to the plan, and increased parking arrangement. The proposed addition will provide this restaurant with a total seating capacity of 195 patrons in lieu of the current 106. Testimony indicated that there have never been any parking problems in the past and the Petitioner does not foresee any problems with parking in the future.

The Zoning Plans Advisory Committee (ZAC) comment submitted by the Developer's Plans Review division causes some concern. It indicates that the development has failed to conform with the previously approved final landscape plan in Case 94-415-SPHA. Although the Petitioner in that case was different, compliance with the landscape plan should have been accomplished. I will therefore require that this Petitioner submit a revised landscape plan and direct that permits for construction of the proposed addition shall not be released until such time as the plan has been submitted and approved by the Landscape Architect for Baltimore County. Moreover, sufficient assurance should be received that this Petitioner will, in fact, comply with the approved plan and actually install the planting required. It is also to be noted that the Office of Planning and Zoning suggests that the Petitioner explore the possibility of connecting his lot with that maintained by the restaurant located on the other side of High's, specifically, the Red, Hot and Blue Restaurant owned by Sea King V, Inc. It is inappropriate to require the Petitioner to pursue such a connection; however, the Petitioner did indicate that some communi-

cation with the owners of the Red, Hot and Blue had been established and that the possibilities were being examined. I decline at this time to require the Petitioner to take further action unless he chooses to do so. An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Seley, 270 Md. 308 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel.

ORDER RECEIVED FOR FILING
Date 12/29/95
By LEB

ORDER RECEIVED FOR FILING
Date 12/29/95
By LEB

ORDER RECEIVED FOR FILING
Date 12/29/95
By LEB

ORDER RECEIVED FOR FILING
Date 12/29/95
By LEB

In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of December, 1995 that the Petition for Variance seeking relief from Sections 236.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 17 feet in lieu of the required 79.5 feet; from Sections 409.6 and 409.4 of the B.C.Z.R. to permit 81 parking spaces in lieu of the required 93 and to permit 10 of those parking spaces without direct access to an aisle; and to amend the last approved plan and Order in prior Case No. 94-415-SPHA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any building permits, the Petitioner shall submit a revised landscape plan for review and approval by the County's Landscape Architect. All landscaping shall be installed prior to the issuance of any final occupancy permits.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:bjjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 27, 1995

Mr. Robert Morgan
11316 Reisterstown Road
Owings Mills, Maryland 21117

RE: PETITION FOR VARIANCE
NW/2 Reisterstown Road, 30' S of the c/l of Highfalcon Road
(11316 Reisterstown Road)
4th Election District - 3rd Councilmanic District
Robert Morgan - Petitioner
Case No. 96-191-A

Dear Mr. Morgan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:bjjs

cc: Mr. Richard Matz
Colbert Matz Rosenfelt, Inc.
3723 Old Court Road, Suite 206, Baltimore, Md. 21208

People's Counsel

File



Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 11316 Reisterstown Road

which is presently zoned BM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 236.1 AND 303.2 FOR A FRONT YARD SETBACK OF 17 FEET IN LIEU OF THE REQUIRED 79.5 FEET; AND FROM SEC. 409.6 FOR 81 PARKING SPACES IN LIEU OF THE REQUIRED 93; AND FROM SEC. 409.4 TO ALLOW 10 PARKING SPACES WITHOUT DIRECT ACCESS TO AN AISLE; AND TO AMEND THE LAST APPROVED PLAN AND ORDER IN ZONING CASE 94-415-SPHA. (Indicate harmonic or practical difficulty.) SETBACK VARIANCE IS NEEDED BECAUSE EXPANSION MUST MATCH FRONT OF EXISTING BUILDING, CREATING A PRACTICAL DIFFICULTY. PARKING VARIANCE IS NEEDED BECAUSE OF PRACTICAL DIFFICULTY IN EXPANDING PARKING LOT FURTHER, DUE TO LOT SHAPE.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Leasee

Type of Petition

Signature

Address

City

State

Zip

Attorney for Petitioner:

Name of Petitioner

Address and phone number of representative to be contacted.

Name

Address

City

State

Zip

Printed with Signature in the Registered Place

MR. ROBERT MORGAN

Robert Morgan

11316 REISTERSTOWN RD. 654-0066

OWINGS MILLS, MD 21117

COLBERT MATZ ROSENFELT, INC.

3723 OLD COURT ROAD 653-3838

BALTIMORE, MD 21208

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Responsible for Hearing

ALL

OTHER

REVIEWED BY: R.T. DATE: 12-31-95

ITEM # 186

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION

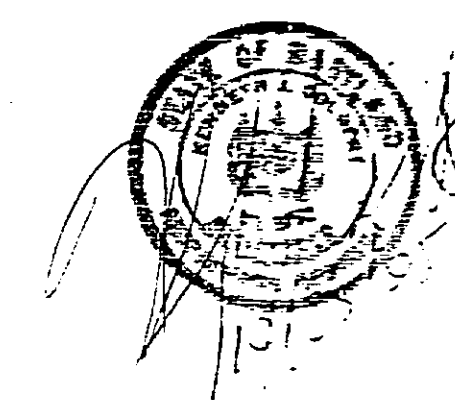
NEW TOWNE DINER
11316 REISTERSTOWN ROAD
FOURTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE NORTHWEST SIDE OF REISTERSTOWN ROAD, 80 FEET WIDE, 30 FEET MORE OR LESS SOUTH OF THE CENTERLINE OF HIGHFALCON ROAD; THENCE BINDING ALONG SAID NORTHWEST SIDE OF REISTERSTOWN ROAD SOUTH 44 DEGREES 14 MINUTES 06 SECONDS EAST 150.00 FEET; THEN LEAVING SAID REISTERSTOWN ROAD AND RUNNING:

SOUTH 55 DEGREES 55 MINUTES 20 SECONDS WEST 150.00 FEET;
SOUTH 44 DEGREES 14 MINUTES 06 SECONDS EAST 125.00 FEET;
SOUTH 55 DEGREES 55 MINUTES 20 SECONDS WEST 103.20 FEET;
NORTH 44 DEGREES 06 MINUTES 04 SECONDS WEST 276.10 FEET;
NORTH 56 DEGREES 11 MINUTES 37 SECONDS EAST 252.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.15 ACRES OF LAND MORE OR LESS.

I:\J085\941101.DES



ITEM # 186

3723 Old Court Road, Suite 206 Baltimore, Maryland 21208
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

ORDER RECEIVED FOR FILING
Date 12/29/95
By LEB

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: H-4 Date of Posting: 11/22/95
Posted for: Variance
Petitioner: Robert Worgan
Location of property: 1136 Reisterstown Rd.
Location of Sign: Along No. 104 on property being zoned
Remarks:
Posted by: [Signature] Date of return: 12/1/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 30, 1995
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 23, 1995.

THE JEFFERSONIAN,

A. H. Harrison
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Tuesday, December 12, 1995 at 2:00 p.m. in Room 106, County Office Building. Variance for a front yard setback of 17 feet in lieu of the required 79.5 feet; for 81 parking spaces in lieu of the required 93; to allow 10 parking spaces without direct access to an alley; and to amend the last approved plan and order in zoning case #94-415-SPHA. Case #94-415-SPHA. Legal Owner: Robert Worgan. NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353. (2) For information concerning the file and/or hearing, please call 887-3391. 11/27/95 Nov. 22, c18740

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 10-31-95 ACCOUNT: R-004-6150
120 - VARIANCE - \$250.00
080 - SIGN - \$ 35.50 AMOUNT: \$ 285.50
RECEIVED FROM: SCOTT'S INTER. NEW TOWNE DINER
FOR: COMM. VAR. 96-491-A
BY: [Signature] VALIDATION OR SIGNATURE OF CASHIER
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 186

Petitioner: Robert Worgan

Location: 11316 Reisterstown Road, Owings Mills

PLEASE FORWARD BILLING TO:

NAME: Mr. Robert Worgan - New Towne Diner

ADDRESS: 11316 Reisterstown Road

Owings Mills Md. 21117

PHONE NUMBER: 654-0066

Al: ggs

(Revised 04/09/93)

TO: TOWSON PUBLISHING COMPANY
November 22/23, 1995 Issue - Jeffersonian

Please forward billing to:

Robert Worgan
11316 Reisterstown Road
Owings Mills, Maryland 21117
654-0066

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Tuesday, December 12, 1995 at 2:00 p.m. in Room 106, County Office Building.

CASE NUMBER: 96-191-A (Item 186)
11316 Reisterstown Road
New Towne Diner
NW/SE Reisterstown Road, 230' S of c/1 High Falcon Road
4th Election District - 3rd Councilmanic
Legal Owner: Robert Worgan

Variance for a front yard setback of 17 feet in lieu of the required 79.5 feet; for 81 parking spaces in lieu of the required 93; to allow 10 parking spaces without direct access to an alley; and to amend the last approved plan and order in zoning case #94-415-SPHA.

HEARING: TUESDAY, DECEMBER 12, 1995 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHULTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 16, 1995

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Tuesday, December 12, 1995 at 2:00 p.m. in Room 106, County Office Building.

CASE NUMBER: 96-191-A (Item 186)

11316 Reisterstown Road
New Towne Diner
NW/SE Reisterstown Road, 230' S of c/1 High Falcon Road
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Legal Owner: Robert Worgan

Variance for a front yard setback of 17 feet in lieu of the required 79.5 feet; for 81 parking spaces in lieu of the required 93; to allow 10 parking spaces without direct access to an alley; and to amend the last approved plan and order in zoning case #94-415-SPHA.

HEARING: TUESDAY, DECEMBER 12, 1995 at 2:00 p.m. in Room 106, County Office Building.

[Signature]
Arnold Jablon
Director

cc: Robert Worgan
Colbert Metz Rosenfelt, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 4, 1995

Mr. Robert Worgan
11316 Reisterstown Road
Owings Mills, MD 21117

RE: Item No.: 186
Case No.: 96-191-A
Petitioner: R. Worgan

Dear Mr. Worgan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 31, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

[Signature]
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: Nov. 21, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for November 21, 1995
Item No. 186

The Development Plans Review Division has reviewed the subject zoning item. The ten (10) parking spaces without a direct access shall be "For Employees Only" spaces.

This development has failed to conform with the previously approved final landscape plan titled "Pancake Cottage" and is now subject to zoning enforcement. In addition to the landscape requirements already in place, a revised landscape plan that accommodates the new building and parking lot addition must be submitted.

RWB:sw

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director, PDM DATE: November 21, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 11316 Reisterstown Road

INFORMATION:

Item Number: 186

Petitioner: Robert Worgan

Property Size:

Zoning: RM

Requested Action: Variance

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff offers the following comment.

The applicant's plat should be amended to indicate proposed landscape treatment of the 24' site access point which is to be closed. In addition, staff recommends that the applicant explore the possibility of making a connection between the parking areas of the subject site and the property owned by Sea King, Inc. located to the east.

Prepared by: [Signature]

Division Chief: [Signature]

PK/JL



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/15/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ROBERT MORGAN

LOCATION: NW/4 REISTERSTOWN RD., 30' S OF CENTERLINE HIGH FALCON RD.
(11316 REISTERSTOWN RD. - NEW TOWNE DINER.)

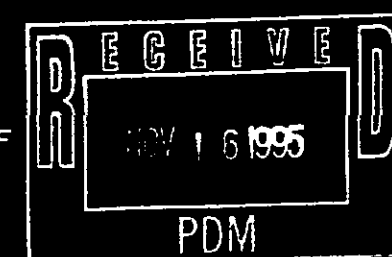
Item No.: 186 Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1971 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: October 31, 1995
TO: Hearing Officer
FROM: Regulo Tanguilig
Planner I, PDM
SUBJECT: Item #186
11316 Reisterstown Road

Lawyer not required to represent the variance case per applicant because subject property owner is not a corporation.

RT:scj

RE: PETITION FOR VARIANCE
11316 Reisterstown Rd (New Towne Diner),
NW/4 Reisterstown Road, 230' S of c/l
High Falcon Road, 4th Election District,
3rd Councilmanic
Robert Morgan
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-191-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

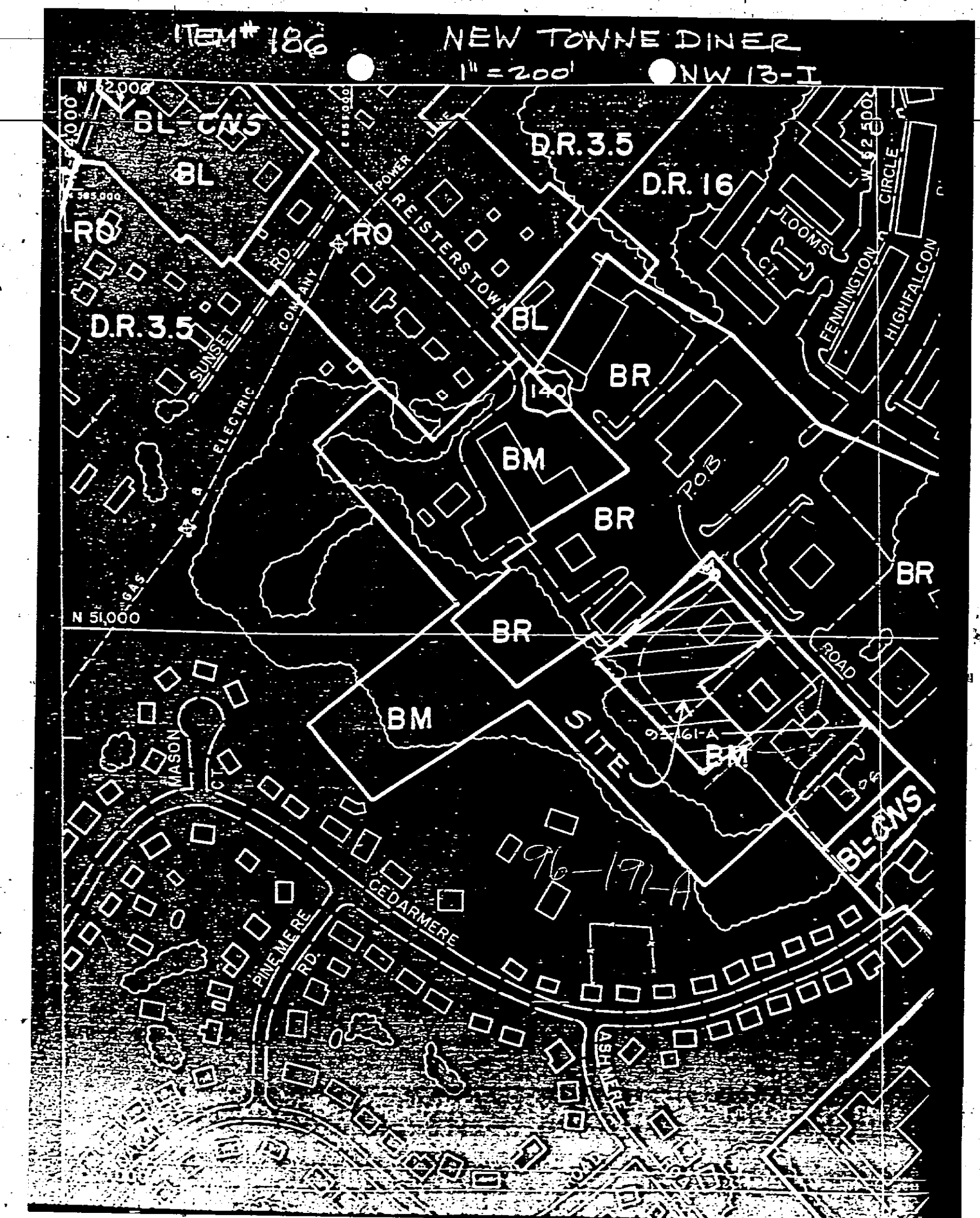
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CAROLE S. DEMILIO

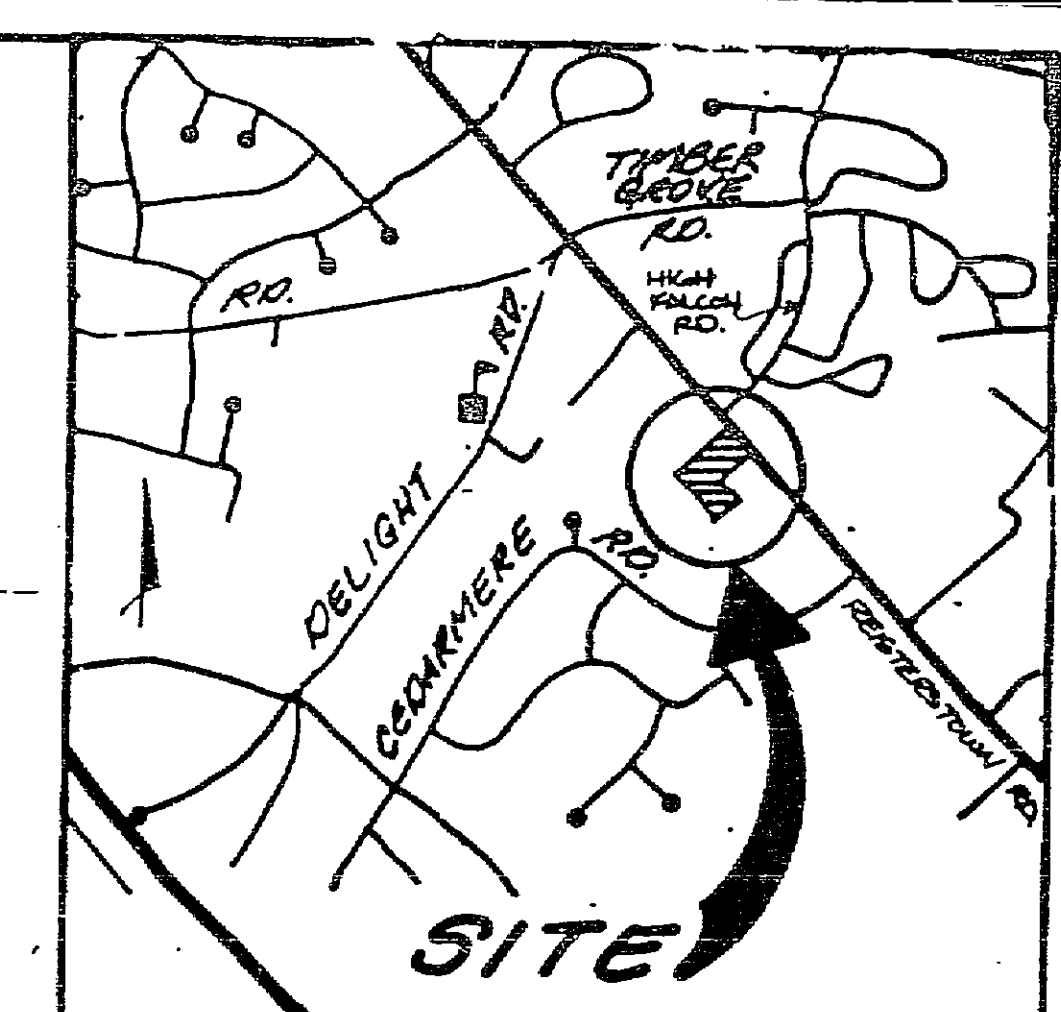
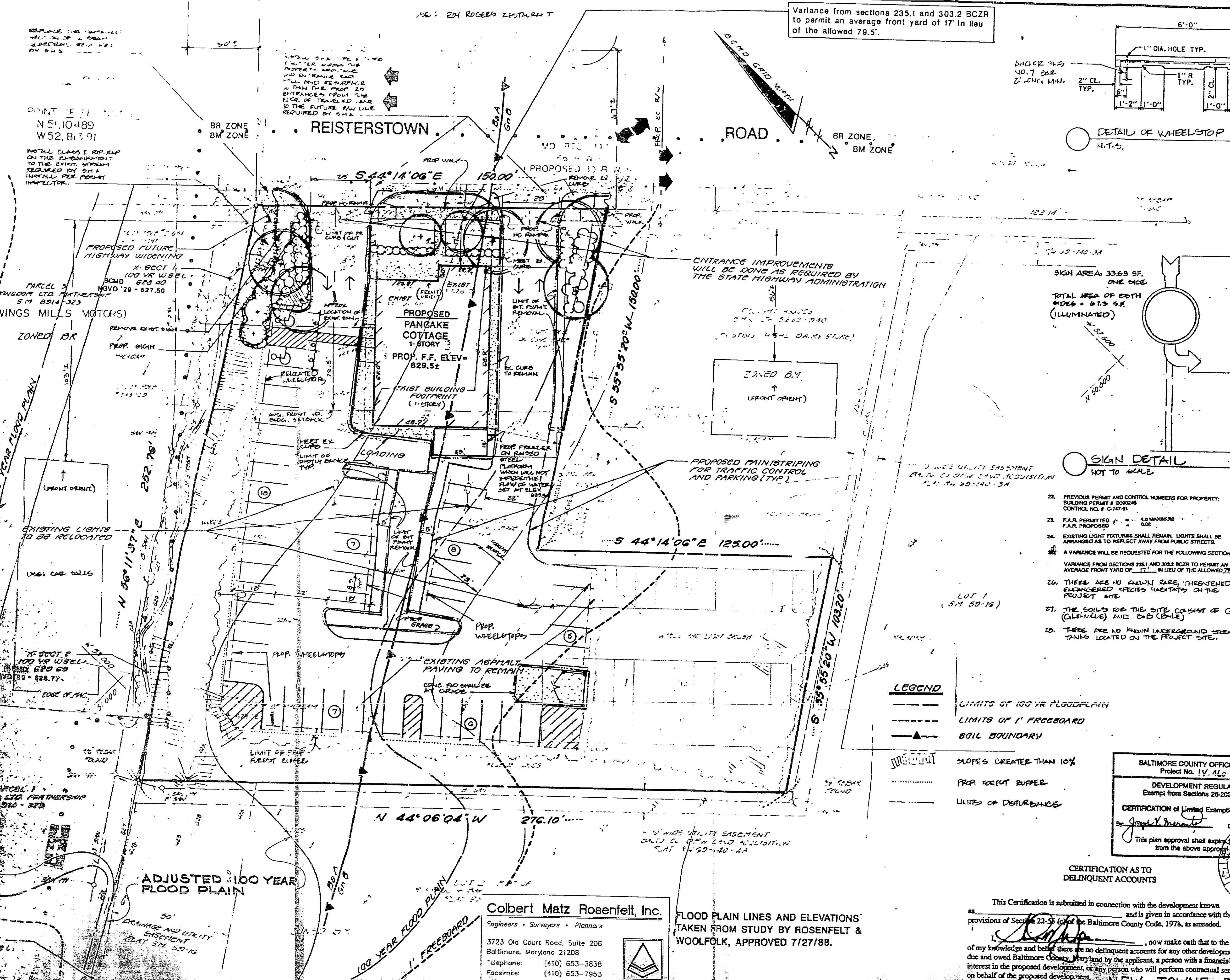
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

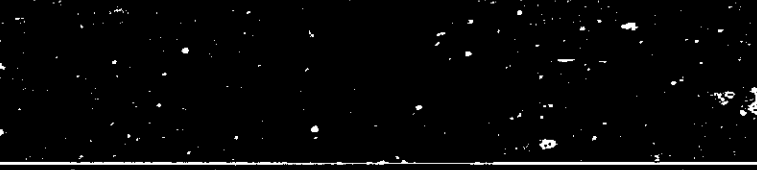
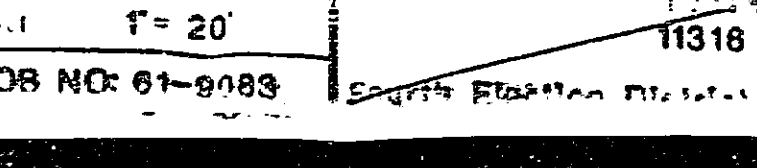
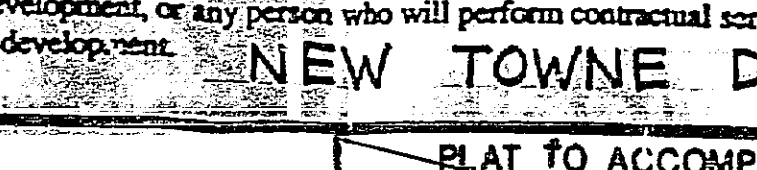
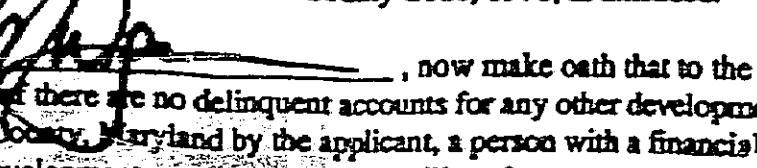
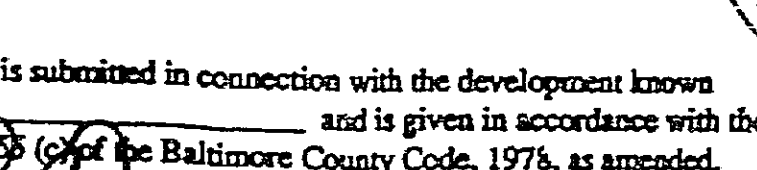
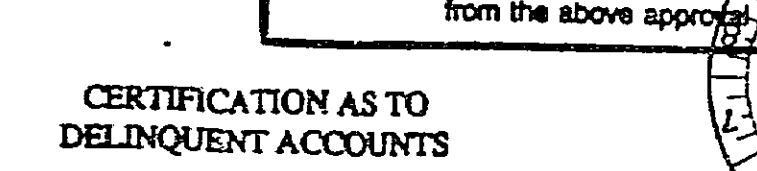
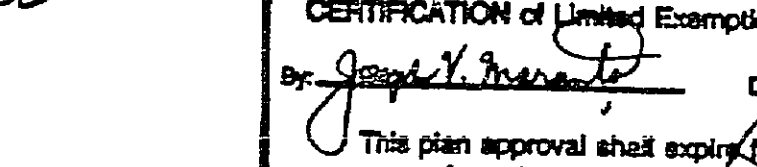
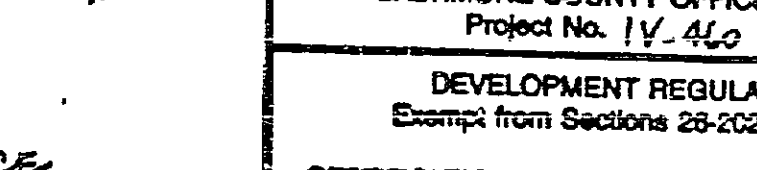
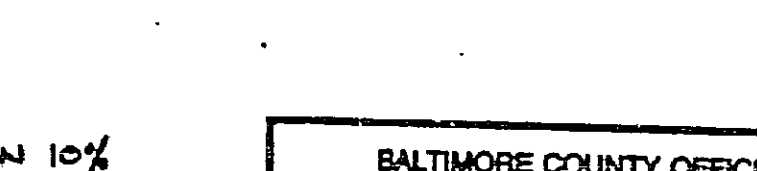
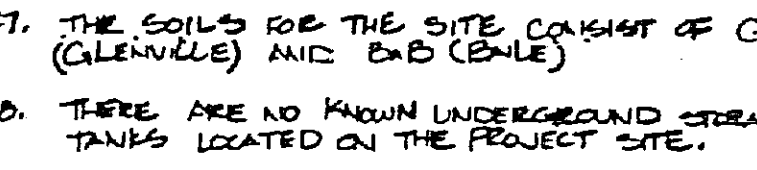
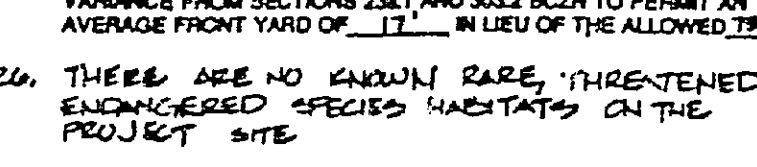
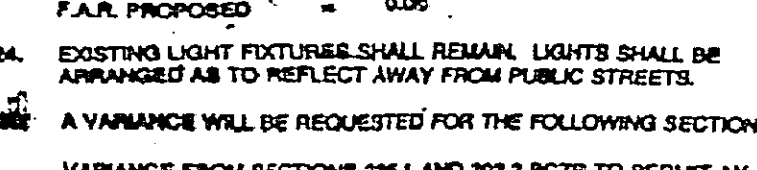
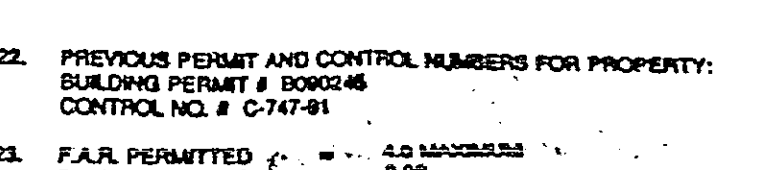
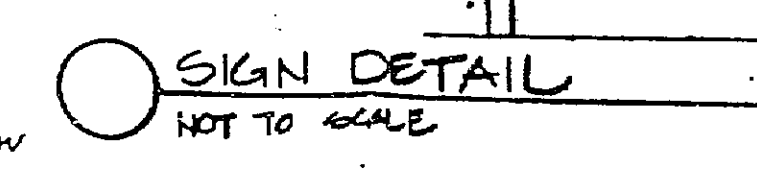
I HEREBY CERTIFY that on this 12th day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to Colbert, Matz, Rosenfelt, Inc., 3723 Old Court Road, Baltimore, MD 21208, representative for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN





- NOTES**
- BEARINGS AND COORDINATES AS SHOWN HEREON ARE BASED ON THE BALTIMORE COUNTY METROPOLITAN DISTRICT GRID, AS REFERENCED FROM TRAVELER STATIONS.
 - ELEVATIONS SHOWN HEREON ARE BASED ON BALTIMORE COUNTY BENCHMARK NO. 2118 "A" WHICH IS A CROSS-CUT IN THE CENTER OF MEDIAN CURB RETURN AT HIGH FALCON ROAD, ALONG THE NORTH SIDE OF REISTERSTOWN ROAD. ELEVATION = 825.28 FEET.
 - UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN LOCATED BY ACTUAL FIELD MEASUREMENTS SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF THE INFORMATION RECEIVED. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO THE START OF WORK.
 - SITE AREA AS SURVEYED = 1.1812 ACRES ± (50,145 SQ. FT. ±)
 - EXISTING ZONING CLASSIFICATION: BM (BUSINESS, MAJOR) SETBACK REQUIREMENTS: FRONT YARD - AVERAGE YARD SETBACK (50' - 100') - 2' - AVERAGE FRONT YARD OF 79.5' SIDE YARD - NONE REQUIRED REAR YARD - NONE REQUIRED
 - TAX MAP NO. 58, GRID 7, PARCEL 582 TAX ACCOUNT NO. 04-042352522
 - OWNER/DEVELOPER: EUGENE S. & ETHEL J. WILL, LIVER O.T.O. 40M. F.O.D. 583 DATE: OCTOBER 21, 1993
 - ADDRESS: NO. 11318 REISTERSTOWN ROAD, OWINGS MILLS, MARYLAND 21117
 - CENSUS TRACT: 4411 WATERSHED: 27 SUBDIVISION: 87 COUNCILMANIC DISTRICT 3
 - APPLICANT: STV GROUP, INC. 21 GOVERNORS COURT, BALTIMORE, MD 21204 ATTN: DEBRA K. WITTE
 - THIS DEVELOPMENT HAS RECEIVED A LIMITED EXEMPTION FROM THE DEVELOPMENT REGULATIONS PURSUANT TO SECTION 26-171 (D) OF A SPECIAL HEARING TO ALLOW CONSTRUCTION WITHIN A FLOOD PLAIN. A FLOODPLAIN WILL BE HELD. A WAIVER OF STORMWATER MANAGEMENT WILL BE APPLIED FOR.
 - TO THE BEST OF OUR KNOWLEDGE THERE ARE NO HAZARDOUS MATERIALS ON THIS SITE.
 - EXISTING USE: ABANDONED RESTAURANT (CONCRETE) PROPOSED USE: RESTAURANT (25,000 SQUARE FEET)
 - PARKING: REQUIRED: 2,176 SF. AT 16,000 S.F. = 91 SPACES PROVIDED: 51 (ONE 2' HANDICAP SPACES)
 - AVERAGE DAILY TRIPS: 828 (200/1000 S.F.)
 - EXISTING WATER AND SEWER CONNECTIONS WILL BE UTILIZED FOR THIS DEVELOPMENT.
 - DISBURSANCE FOR THIS DEVELOPMENT WILL BE LIMITED TO THE BUILDING PAD AND OTHER AREAS APPROVED BY DPW AND DEPMM TO MEET LANDSCAPING REQUIREMENTS.
 - TOTAL LIMIT OF DISTURBANCE = 10,258 SQ. FT.
 - THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC AREAS ON THE SITE.
 - THE EXISTING STRUCTURE IS NOT A HISTORICAL BUILDING. THERE ARE NO KNOWN ARCHAEOLOGICAL SITES ON THE PROJECT SITE.
 - ZONING MAP NO. NW 13-1
 - ALL PROPOSED SIGNS SHALL MEET BALTIMORE COUNTY ZONING REQUIREMENTS.



STV GROUP, INC.
Engineers Surveyors Planners
Governor's Court Baltimore, Maryland 21207
Telephone: 410-444-9112

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

FLOOD PLAIN LINES AND ELEVATIONS
TAKEN FROM STUDY BY ROSENFELT & WOOLFOLK, APPROVED 7/27/88.

CERTIFICATION AS TO DELINQUENT ACCOUNTS
This Certification is submitted in connection with the development known as _____ and is given in accordance with the provisions of Section 22-55 (part) of the Baltimore County Code, 1976, as amended.
I, _____, now make oath that to the best of my knowledge and belief there are no delinquent accounts for any other development due and owed Baltimore County, Maryland by the applicant, a person with a financial interest in the proposed development, or any person who will perform contractual services on behalf of the proposed development.

NEW TOWNE DINER
8-31-95

REVISIONS

NO.	DATE	DESCRIPTION
1	11/14/94	REVISED 100 YR FLOOD PLAIN
2	11/14/94	REVISED 1' FREEBOARD
3	11/14/94	REVISED 100 YR FLOOD PLAIN
4	11/14/94	REVISED 1' FREEBOARD
5	11/14/94	REVISED 100 YR FLOOD PLAIN
6	11/14/94	REVISED 1' FREEBOARD

PLAN PREPARATION

DESIGNED BY	DATE
TLK	3/22/94

CHECKED BY	DATE
AKL	3/22/94

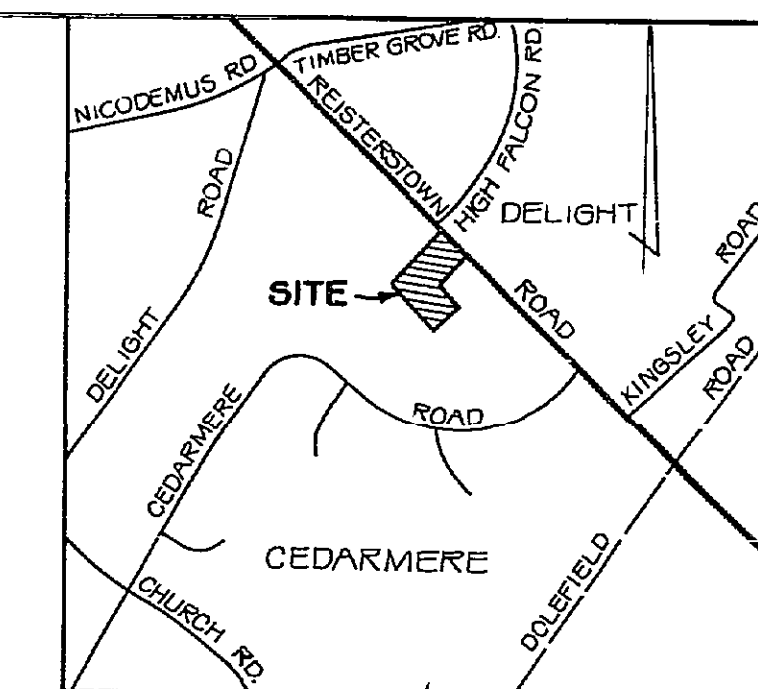
JOB NO: 61-9083

BLAT TO ACCOMPANY ZONING VARIANCE FROM BCZR STANDARDS AND SPECIAL HEARING FROM DEVELOPMENT REGULATIONS TO PERMIT REBUILDING IN A FLOOD PLAIN AND DEVELOPMENT PLAN

DATE	DESCRIPTION
3/22/94	BLAT TO ACCOMPANY ZONING VARIANCE FROM BCZR STANDARDS AND SPECIAL HEARING FROM DEVELOPMENT REGULATIONS TO PERMIT REBUILDING IN A FLOOD PLAIN AND DEVELOPMENT PLAN

DRAWING NO. C-1

SHEET NO.
1 of 2



VICINITY MAP
SCALE: 1" = 1,000'

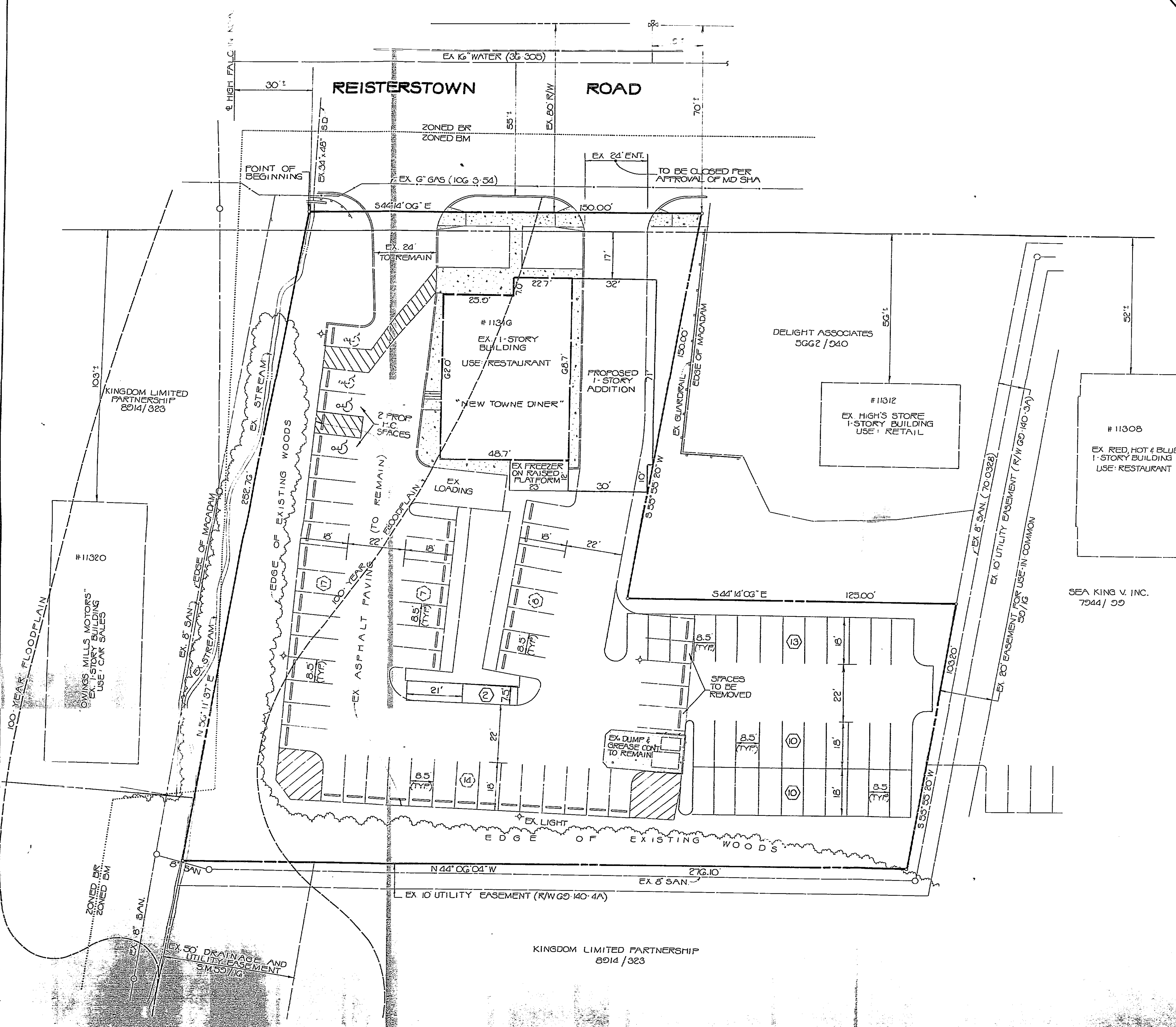
GENERAL NOTES

- Owner/Applicant: Robert M. Worgan
11318 Reisterstown Road
Owings Mills, Md. 21117
 - Tax Map 58, Parcel 582
Tax Account No. 0423032522 Deed Reference 10G7B/124
 - Existing Zoning: Business Major
Zoning Map: NW 13-1
 - Existing Use: Restaurant without Class D liquor license
Proposed Use: Restaurant without Class D liquor license
- Existing Floor Area: 3,178 Sq. Ft.
Proposed Addition: 2,600 Sq. Ft.
Total Proposed Floor Area: 5,778 Sq. Ft.
- Site Area: 1.1512 Acres
- Proposed Floor Area Ratio: 0.12
Maximum Permitted F.A.R.: 4.0
- Required Setbacks:
Front: Average Front Yard - 56' + 103/2 = 79.5'
Side: 0'
Rear: 0'
- In Case No. 94-415-SPHA, approval was granted for construction within a riverine floodplain and for a variance to permit a front yard setback of 17 ft. in lieu of the required 79.5 ft. to rebuild on the existing footprint.
- A proposed storm drain will adjust the floodplain out of the building area of the proposed addition. The storm drain design is currently under review by the Baltimore County Department of Public Works.
- Required Parking: 5,778 square feet @ 16 spaces/1,000 square feet = 93 spaces
Proposed Parking: 81 spaces
- 20 of the proposed 81 spaces are stacked parking for employees. Maximum number of employees on largest shift is 30.
- Variances are being requested for a front yard setback for the proposed addition of 17 feet in lieu of the required 79.5 feet, and for 81 parking spaces in lieu of the required 93 spaces, and for 10 parking spaces without direct access to an aisle, and to amend the last approved Plan and Order in Zoning Case 94-415-SPHA.
 - A Limited Exemption for the proposed addition, under Section 26-171 (b)(9) was approved on August 25, 1994.
 - Proposed ADTS: 1202 (208 ADT/1,000 sq. ft.)
 - The Maryland State Highway Administration has no objection to the proposed closing of the southernmost entrance to Reisterstown Road, per letter from Ronald Burns, September 29, 1995.

Not No!

**PLAT TO ACCOMPANY PETITION
FOR
ZONING VARIANCE HEARING
"NEW TOWNE DINER"**
1131G REISTERSTOWN ROAD
47th ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' CO. COUNCIL DIST. 3 OCTOBER 26, 1995

		Colbert Matz Rosenfelt, Inc. Engineers • Surveyors • Planners	
		3723 Old Court Road, Suite 206 Baltimore, Maryland 21208 Telephone: (410) 653-3838 Facsimile: (410) 653-7953	
SCALE: 1" = 20' DATE: OCTOBER 26, 1995 JOB NO.: 92110.1 DESIGNED: J.M.F. DRAWN: M.E.K. CHECKED: J.M.F. FILE: DRAWING NUMBER:		NO. DATE REVISIONS BY SHEET 1 OF 1	



KINGDOM LIMITED PARTNERSHIP
8914 / 323